



Local Law No. 11

(Roads) 1999

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D. Scott
Chief Executive Officer



Local Law No. 11 (Roads) 1999

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Logan City Council

Local Law No. 11

(Roads) 1999

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 11 (Roads) 1999*.

2 Application and object

- (1) This local law and any subordinate local law made under this local law apply to the whole of the Logan City Council local government area.
- (2) The objects of this law are to—
 - (a) ensure that the local government has the necessary powers to construct, maintain and improve roads within its local government area; and
 - (b) provide for the naming of roads and the numbering of adjoining premises; and
 - (c) ensure that roads and associated structures and vegetation are in harmony with their natural and built environment; and
 - (d) regulate the use of roads to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (v) interference with the safe movement of traffic or the safe use of a footpath; or
 - (vi) damage to roads.

3 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) defines particular words used in this local law.

4 Relationship with other laws

This local law does not derogate from, and is subject to, the provisions of—

- (a) the *Land Protection (Pest and Stock Route Management) Act 2002*; and
- (b) the *Transport Infrastructure Act 1994*; and
- (c) the *Transport Operations (Road Use Management) Act 1995*.

Part 2 Construction, maintenance and improvement of roads¹

5 Construction, maintenance and improvement of roads

- (1) The local government may—
 - (a) construct a local government road on land of the local government or land under the local government’s control; or
 - (b) carry out works for the maintenance of a road; or
 - (c) carry out works for the repair of a road; or
 - (d) carry out works for the improvement of a road; or
 - (e) otherwise interfere with a local government road.

Examples—

- The local government may carry out landscaping and beautification work, such as the planting of trees and other vegetation on footpaths adjacent to the carriageway and the establishment of nature strips between carriageways with trees of low mature height and small trunk diameter. The local government may construct footpaths with associated structures.
- The local government may install official traffic signs to regulate, warn or guide traffic.
- The local government may install facilities for the protection or use of road users.

- (2) Notwithstanding section 5(1) of this local law, the local government cannot carry out works on a State-controlled road without the written approval of the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*.²

¹ Under section 60 (Control of roads) of the *Local Government Act 2009*, the local government has control of all roads (defined to exclude State-controlled roads and public thoroughfare easements (section 59(3)) in the local government area, including being able to construct, maintain, and improve roads. .

² Section 33 (Prohibition on road works etc. on State-controlled roads) of the *Transport Infrastructure Act 1994* provides that approval from the chief executive is necessary if the work interferes with a State-controlled road.

6 Traffic control during road works

- (1) An authorised person may facilitate road work or avoid a risk of personal injury or property damage that may result from carrying out road work by—
 - (a) installing official traffic signs; or
 - (b) giving directions to the driver of an animal or a vehicle.
- (2) A person must not contravene a direction given by an authorised person under section 6(1)(b) (Traffic control during road works) of this local law.³

Maximum penalty for subsection (2) – 50 penalty units.

7 Closure of local government road

- (1) The local government may close a local government road in accordance with the *Local Government Act 2009*.
- (2) A person must not drive on a road if the road is closed to—
 - (a) all traffic; or
 - (b) vehicles of the class being driven by the person.

Maximum penalty – 20 penalty units.

- (3) Subsection (2) does not apply to an emergency worker driving an emergency vehicle in the performance of their duties.

Part 3 Management powers

8 Power to name a road

- (1) The local government may—
 - (a) assign a name to a road or part of a road; or
 - (b) change the name of a road or part of a road.
- (2) Notwithstanding section 8(1) of this local law, the local government cannot assign a name to a State-controlled road or change the name of a State-controlled road in its local government area without the written approval of the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*.

³ A person who contravenes an indication given by an official traffic sign commits an offence and is liable to a maximum penalty of 40 penalty units or 6 months imprisonment (see section 74 (Contravention of official traffic sign an offence) of the *Transport Operations (Road Use Management) Act 1995*).

9 Road signs and official traffic signs

- (1) The local government may erect road signs and official traffic signs.
- (2) Notwithstanding section 9(1) of this local law, the local government cannot erect a road sign or an official traffic sign on a State-controlled road without the written approval of the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994*.

10 Numbering of adjoining premises

- (1) The local government may by resolution adopt a numbering system for premises adjoining a road.
- (2) The local government must give notice of a resolution adopting a numbering system for a road by advertisement in a newspaper circulating generally in the local government area.
- (3) The owner or occupier of premises must not adopt a number for the premises that is inconsistent with a numbering system adopted by the local government under section 10(1) of this local law.

Maximum penalty for subsection (3) – 20 penalty units.

- (4) The owner or occupier of premises (other than vacant land), must display the number allocated so as to be easily identified from the road adjoining the premises.

Maximum penalty for subsection (4) – 20 penalty units.

11 Power to require adjoining owner to construct, maintain, or repair fence

- (1) The Council may, by written notice to the owner of land adjacent to a road, require the owner of that land to construct, maintain, or repair a fence between the road and that land (**fencing notice**) if, in the opinion of an authorised person—
 - (a) the construction of a fence is necessary to prevent animals escaping from the land onto the road;
 - (b) the fence is not adequate or effective for its intended purpose;
 - (c) the fence constitutes an actual or potential safety hazard.⁴
- (2) A fencing notice must—
 - (a) fix the minimum standards with which the fence must comply; and

⁴ Note that section 38(1) of the *Transport Infrastructure Act 1994* provides that the chief executive does not have to contribute to the fencing of a boundary between land and a State-controlled road.

- (b) state the time by which construction of the fence must be completed.
- (3) An owner of land to whom a fencing notice is given must comply with the notice.
Maximum penalty – 50 penalty units.

12 Works notice

- (1) The local government may give a works notice to the owner or occupier of premises adjoining or adjacent to a road to perform works on the premises or the road where an authorised person is satisfied that the works should be performed to prevent a risk of—
 - (a) harm to human health or safety or personal injury; or
 - (b) property damage or a loss of amenity; or
 - (c) environmental harm or environmental nuisance; or
 - (d) a nuisance; or
 - (e) interference with the safe movement of traffic or the safe use of a road; or
 - (f) damage to a road.
- (2) The works notice must specify—
 - (a) the basis on which the works notice is given; and
 - (b) the work to be performed or the action to be taken; and
 - (c) the time for compliance with the works notice.
- (3) A person to whom a works notice is given must comply with the works notice.
Maximum penalty for subsection (3) – 50 penalty units.

Part 4 Control of local government roads

13 Requirement for a permit

- (1) A person (other than a local government) must not interfere with a local government road unless authorised by—
 - (a) this local law; or

(b) a permit granted under section 15 (Grant of a permit) of this local law.⁵

Maximum penalty for subsection (1) – 50 penalty units.

(2) A person must not—

(a) exhibit a sign that indicates that an interference with a local government road which does not comply with the local law does comply with the local law; or

(b) in any manner or by any means indicate that an interference with a local government road which does not comply with this local law does comply with this local law.

Maximum penalty for subsection (2) – 50 penalty units.

(3) The owner or occupier of premises must ensure that the premises does not interfere with a local government road.

Maximum penalty for subsection (3) – 50 penalty units.

(4) If a person is charged with an offence under section 13(3) of this local law, it is a defence for that person to prove that the interference with the local government road occurred without that person's knowledge or consent.

(5) Notwithstanding section 13(1) of this local law a permit is not required under this local law if—

(a) a subordinate local law specifies that a permit is not required in respect of the interference with the local government road; or

(b) the interference with the local government road is authorised by a local government Act.

Example—

An interference with a local government road which is development for which a development approval has been issued under the *Planning Act 2016* does not require a permit.

(6) Notwithstanding section 13(1) of this local law, the holder of a permit must not interfere with a local government road until all approvals required under legislation in respect of the interference with the local government road have been obtained.

⁵ The local government must obtain the written approval of the chief executive of the department which administers Chapter 6 (Road Transport Infrastructure) of the *Transport Infrastructure Act 1994* if carrying out road works on a local government road which would impact on a State-controlled road (see section 42 (Impact of certain local government decisions on State-controlled roads) of the *Transport Infrastructure Act 1994*).

14 Application for a permit

- (1) An application for a permit must be—
 - (a) made by the person who will be interfering with the road; and
 - (b) made in the prescribed form; and
 - (c) accompanied by—
 - (i) the prescribed fee; and
 - (ii) evidence that all approvals under local government Acts required for the proposed interference have been obtained; and
 - (iii) full details of the proposed interference; and
 - (iv) such other information and materials as are requested by the local government or specified in a subordinate local law.
- (2) The local government may waive any or all of the requirements of section 14(1) of this local law—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirement; or
 - (c) in the circumstances specified in a subordinate local law.

15 Grant of a permit

- (1) The local government may grant a permit if satisfied that the interference with the local government road—
 - (a) will not result in harm to human health or safety or personal injury; and
 - (b) will not result in property damage or a loss of amenity; and
 - (c) will not result in environmental harm or environmental nuisance; and
 - (d) will not result in a nuisance; and
 - (e) complies with the provisions of the local government Acts that regulate the interference with the local government road; and

Example—

The *Building Act 1975* specifies a code for the erection of buildings and structures, whilst the *Planning Act 2016* may require a development approval for building work or operational work.

- (f) will not result in the unsafe movement of traffic or the unsafe use of a footpath; and
 - (g) complies with the prescribed criteria.⁶
- (2) Before the local government decides an application for a permit, an authorised person may—
- (a) inspect any premises, vehicle, equipment, animal or thing to be used in the interference; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected.

16 Term of a permit

- (1) A permit granted by the local government is for a term—
- (a) specified in the permit; or
 - (b) otherwise specified in a subordinate local law.
- (2) A permit expires at the end of the day specified in section 16(1) of this local law.

17 Conditions of a permit

- (1) A permit may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a permit may—
- (a) require the holder of the permit to take specified measures to;
 - (i) prevent harm to human health or safety or personal injury; and
 - (ii) prevent property damage or a loss of amenity; and
 - (iii) prevent environmental harm or environmental nuisance; and
 - (iv) prevent a nuisance; and
 - (v) ensure that there is compliance with the provisions of the local government Acts that regulate the interference with the local government road; and
 - (vi) ensure that the interference with the local government road complies with the prescribed criteria; and

⁶ This would be subject to any conditions imposed under section 42 (Impact of certain local government decisions on State-controlled roads) of the *Transport Infrastructure Act 1994*.

- (b) require compliance with specified safety requirements; and
 - (c) require the holder of the permit to carry out specified additional work such as earthworks and drainage works; and
 - (d) regulate the time within which work must be carried out; and
 - (e) regulate standards with which work must comply; and
 - (f) require the holder of the permit to give the local government specified indemnities and to take out specified insurance; and
 - (g) require the holder of the permit to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the interference with the local government road; and
 - (h) require the holder of the permit to maintain structures erected or installed, or vegetation planted, under the permit in good condition; and
 - (i) require the holder of the permit to remove a structure erected or installed under the permit at the end of a stated period; and
 - (j) require the holder of the permit to exhibit specified warning notices and to take other specified precautions; and
 - (k) require the holder of the permit to notify the local government within a period specified in the permit that the holder of the permit is no longer interfering with the local government road; and
 - (l) require the certification by a person specified by the local government of a vehicle, equipment or thing involved in the interference with the local government road; and
 - (m) require the giving of a security to secure compliance with the permit and the provisions of this local law; and
 - (n) require records to be kept at a place and for a time specified in the permit or a subordinate local law; and
 - (o) require the holder of the permit to prepare, undertake or comply with a periodic inspection, monitoring or management program in respect of the interference with the local government road.
- (3) The local government may specify in a subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for an interference with a local government road.

18 Power to change the conditions of a permit

- (1) The local government may change a condition of a permit where⁷—
 - (a) the holder of the permit agrees to the proposed change; or
 - (b) the change is urgently necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (v) interference with the safe movement of traffic or the safe use of a footpath; or
 - (c) the change is necessary to ensure the prescribed criteria are complied with.
- (2) If the local government is satisfied it is necessary to change a condition of a permit, the local government must—
 - (a) give the holder of the permit a written notice stating—
 - (i) the proposed change and the reasons for the change; and
 - (ii) that the holder of the permit may make written representations to the local government about the proposed change; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which the written representations may be made; and
 - (b) consider any written representation made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit, the local government must give to the holder of the permit—
 - (a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or

⁷ A change to the conditions of a permit includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the notice was given to the holder of the permit.

19 Amendment, renewal or transfer of a permit

- (1) The holder of a permit may make an application to the local government to—
 - (a) amend the permit; or
 - (b) renew the permit; or
 - (c) transfer the permit to another person.
- (2) An application to amend, renew or transfer a permit must be—
 - (a) made by the holder of the permit; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government; and
 - (d) accompanied by, in the case of a transfer of the permit, the consent of the person to whom the permit will be transferred.
- (3) The local government may renew or transfer a permit—
 - (a) where the undertaking of the prescribed activity complies with the conditions of the permit and the provisions of this local law; and
 - (b) subject to such conditions as the local government considers appropriate.
- (4) The local government may amend a permit—
 - (a) where the undertaking of the prescribed activity complies with the criteria specified in section 15(1) of this local law; and
 - (b) subject to such conditions the local government considers appropriate.

- (5) Subject to section 19(6) of this local law, if an application to renew a permit is made pursuant to section 19(1)(b) of this local law, the permit is taken to continue in force from the day that it would, apart from this section, have expired until the day the application is decided pursuant to section 19(3) of this local law.
- (6) Section 19(5) of this local law does not apply where a permit has been cancelled pursuant to section 20 (Cancellation of a permit) of this local law.

20 Cancellation of a permit

- (1) The local government may cancel a permit where—
 - (a) the holder of the permit agrees to the cancellation; or
 - (b) the cancellation is urgently necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (v) interference with the safe movement of traffic or the safe use of a footpath; or
 - (c) the holder of the permit contravenes—
 - (i) this local law; or
 - (ii) a condition of a permit; or
 - (iii) a requirement of a compliance notice, a works notice or a stop order; or
 - (d) there is non compliance with—
 - (i) the provisions of the local government Acts that regulate the interference with a local government road; or
 - (ii) the prescribed criteria; or
 - (e) the permit was granted on the basis of false, misleading or incomplete information; or
 - (f) changes in circumstances since the permit was granted make the continued operation of the permit inappropriate.

- (2) If the local government is satisfied it is necessary to cancel a permit, the local government must—
 - (a) give the holder of the permit a written notice stating—
 - (i) the reasons for the proposed cancellation; and
 - (ii) that the holder of the permit may make written representations to the local government about the proposed cancellation; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the permit) within which written representations may be made; and
 - (b) consider any written representation made by the holder of the permit within the time stated in the notice.
- (3) After considering any written representation made by the holder of the permit the local government must give to the holder of the permit—
 - (a) if the local government is not satisfied that the cancellation is necessary – a written notice stating it has decided not to cancel the permit; or
 - (b) if the local government is satisfied that the cancellation is necessary – a written notice stating it has decided to cancel the permit.
- (4) The cancellation of the permit takes effect from the day the written notice was given to the holder of the permit.
- (5) Where the local government has cancelled a permit, the holder of the permit must cease to interfere with the local government road.

Maximum penalty for subsection (5) – 50 penalty units.

21 General compliance provision

- (1) The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty for subsection (1) – 50 penalty units.
- (2) The holder of a permit and a person interfering with a local government road must ensure that the interference with the local government road—
 - (a) does not result in harm to human health or safety or personal injury; and
 - (b) does not result in property damage or a loss of amenity; and
 - (c) does not result in environmental harm or environmental nuisance; and

- (d) does not result in a nuisance; and
- (e) complies with the prescribed criteria.

Maximum penalty for subsection (2) – 50 penalty units.

Part 5 Enforcement

22 Compliance notice

- (1) The local government may give a compliance notice to—
 - (a) a person who contravenes this local law; and
 - (b) a person who contravenes a subordinate local law made pursuant to this local law; and
 - (c) any person involved in the contravention of the local law pursuant to section 30 (Liability of third parties) of this local law; and
 - (d) the owner or occupier of premises which interfere with a local government road.
- (2) A compliance notice may require the person to whom it is given to—
 - (a) stop the contravention, if the contravention is of a continuing or recurrent nature; and
 - (b) perform work or otherwise take specified action to remedy the contravention (including the making of an application for a permit) for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature; and
 - (c) perform work or otherwise take specified action for or within a time specified in the compliance notice to ensure compliance with the criteria specified in section 21 (General compliance provision) of this local law.
- (3) A person to whom the compliance notice is given must comply with the compliance notice.

Maximum penalty for subsection (3) - 50 penalty units.

23 Stop order

- (1) The local government may by notice to a person interfering with a local government road require the person to cease to interfere with a local government road within the time allowed in the notice where—
 - (a) a compliance notice is not complied with within the time allowed for compliance in the compliance notice; or

- (b) the person does not hold a permit from the local government; or
 - (c) the interference with the local government road is in the authorised person's opinion likely to result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (v) interference with the safe movement of traffic or the safe use of a footpath; or
 - (d) there is non compliance with—
 - (i) the provisions of the local government Acts that regulate the interference with the road; or
 - (ii) the prescribed criteria.
- (2) Subject to section 23(3) of this local law, a person to whom a stop order is given must—
- (a) cease to interfere with a local government road; and
 - (b) comply with the stop order.
- Maximum penalty for subsection (2) – 200 penalty units.
- (3) The stop order ceases where the person to whom a stop order is given has complied with to the satisfaction of an authorised person—
- (a) the requirements of this local law; and
 - (b) the prescribed criteria; and
 - (c) the conditions of any relevant permit; and
 - (d) the requirements of any relevant compliance notice or works notice; and
 - (e) the requirements of the stop order.

24 Inspection

- (1) An authorised person may inspect premises, a vehicle, equipment, animal or thing involved in the interference with a local government road to establish whether there is compliance with⁸—
 - (a) the requirements of this local law; and
 - (b) the prescribed criteria; and
 - (c) the conditions of the permit; and
 - (d) the requirements of a compliance notice or works notice; and
 - (e) the requirements of a stop order.
- (2) An authorised person may direct the person interfering with a local government road to produce for inspection⁹—
 - (a) the permit granted by the local government; and
 - (b) any records that are required to be kept as a condition of the permit or as specified in a subordinate local law and may take copies of or extracts from those records; and
 - (c) any vehicle, equipment, animal or thing involved in the interference with the local government road; and
 - (d) any inspection, monitoring or management program required to be kept as a condition of a permit or as specified in a subordinate local law.
- (3) An authorised person may, in relation to anything that may be inspected pursuant to section 24 (Inspection) of this local law—
 - (a) inspect, test, photograph, videotape or otherwise examine that thing; or
 - (b) copy a document; or
 - (c) take samples of or from anything; or

⁸ Chapter 5 (Monitoring and enforcing the Local Government Acts) of the *Local Government Act 2009* empowers an authorised person to enter a place to—

- (a) ensure that the place complies with the Local Government Acts;
- (b) find out whether the conditions on which a permit or notice was issued have been complied with; or
- (c) to inspect work that was carried out under a permit or notice.

⁹ Chapter 5 (Monitoring and enforcing the Local Government Acts) of the *Local Government Act 2009* provides for these powers.

- (d) take onto the property any persons, equipment and materials that the authorised person reasonably requires for exercising the authorised person's powers.
- (4) The person who is interfering with a local government road must comply with—
- (a) a direction of an authorised person pursuant to section 24(2) (Inspection) of this local law; and
 - (b) the terms of a periodic inspection, monitoring or management program in respect of the interference with a local government road specified in a subordinate local law.

Maximum penalty for subsection (4) – 50 penalty units.

25 Performance of work

- (1) A person committing an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence.
- (2) The local government may perform work where a person has failed to perform work required to be performed by¹⁰—
 - (a) section 25(1) of this local law; or
 - (b) a compliance notice, stop order or works notice issued under this local law; or
 - (c) a condition of a permit; or
 - (d) any other provision of this local law.
- (3) The local government may in the course of performing work remove from the local government road or premises any structure, equipment, animal or thing involved in the interference with a local government road where¹¹—
 - (a) the local government is satisfied there is a risk of—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or

¹⁰ The exercise of this power is subject to section 142 (Entry by a local government worker, with reasonable written notice, under a remedial notice) of the *Local Government Act 2009*.

¹¹ The exercise of this power is subject to section 142 (Entry by a local government worker, with reasonable written notice, under a remedial notice) of the *Local Government Act 2009*.

- (iv) a nuisance; or
 - (v) interference with the safe movement of traffic or safe use of a footpath; or
- (b) there is non compliance with—
 - (i) the provisions of the local government Acts that regulate the interference with the local government road; or
 - (ii) the prescribed criteria.
- (4) The local government must dispose of any material of any nature removed by it pursuant to section 25(3) of this local law in accordance with the provisions for the disposal of confiscated goods under *Local Law No. 2 (Administration) 2010*.
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 25(3) of this local law.
- (6) The Court may order a person found guilty of an offence under this local law to—
 - (a) perform work required to be performed by—
 - (i) section 25(1) of this local law; or
 - (ii) a compliance notice, a stop order or a works notice issued under this local law; or
 - (iii) a condition of a permit; or
 - (iv) a provision of this local law; and
 - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 25 (Performance of work) of this local law.

26 Power of entry and cost recovery

- (1) If the work to be carried out by the local government is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work—
 - (a) under section 142 (Entry by a local government worker, with reasonable written notice, under a remedial notice) of the *Local Government Act 2009*, if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) under section 144 (Entry by a local government worker, at reasonable times, to repair etc. facilities) of the *Local Government Act 2009*, if the

entry is necessary for the exercise of the local government's jurisdiction.¹²

- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under section 142 (Entry by a local government worker, with reasonable written notice, under a remedial notice) of the *Local Government Act 2009*.
- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under section 142 (Entry by a local government worker, with reasonable written notice, under a remedial notice) of the *Local Government Act 2009*.¹³

27 Property in road structures

- (1) If a structure is erected or installed in, on, across, under or over an undedicated road, the structure becomes the property of the local government.¹⁴
- (2) Notwithstanding section 27(1) of this local law, if a permit (under this local law or another law) makes other provision about ownership of a structure erected or installed under the permit, the provisions of the permit prevail.

28 Damage to local government roads

- (1) A person who, without the local government's authority, intentionally or negligently damages a local government road or a structure associated with a local government road is liable to the local government in damages.
- (2) The local government may recover damages under section 28(1) of this local law in the same way as damages for a tort.

Part 6 Internal review

29 Reviewable decisions

- (1) This part applies to a decision made by an authorised officer in relation to—

¹² A magistrate may make an order for entry under section 146 (Entry with, and in accordance with, a court order) of the *Local Government Act 2009* if the occupier refuses to permit entry.

¹³ Section 142(8) of the *Local Government Act 2009* provides for the payment of interest on the same basis as for an overdue rate.

¹⁴ Under section 95 (Roads vest in the State) of the *Land Act 1994* the land in all roads dedicated and opened for public use (and hence the property in fixtures in or on that land) vests in, or remains vested in, the State.

- (a) the issue of a fencing notice under section 11 of this local law;
- (b) the issue of a crossing repair notice under section 15(2) of *Subordinate Local Law 11.1 (Interference with Local Government Roads) 2003*; or
- (c) the issue of a crossing upgrade notice under section 16(1) of *Subordinate Local Law 11.1 (Interference with Local Government Roads) 2003*.

30 Review of decisions

- (1) If a person is aggrieved by a decision that is reviewable pursuant to section 29 (Reviewable decisions) of this local law, the person may apply to the local government for a review of the decision.
- (2) The application for review must be—
 - (a) made in writing to the local government; and
 - (b) made within 20 days of the decision; and
 - (c) supported by enough information to enable the local government to review the decision.
- (3) If the local government is satisfied that section 30(2) of this local law has been complied with, the local government must, within 20 days of receiving the application—
 - (a) review the decision; and
 - (b) make a decision to confirm, vary, or reverse the decision under review.
- (4) The local government must give the applicant written notice of the result of the review.
- (5) If the local government does not decide an application for review within 20 days after receiving the application, the local government is taken to have confirmed the decision under review.
- (6) An application for review of a decision under this section does not stay the operation of the original decision.

Part 7 Administrative provisions

31 Other offences

- (1) It is an offence under this local law to fail to comply with a crossing repair notice given under section 15(2) of *Subordinate Local Law No. 11.1 (Interference with Local Government Roads) 2003* within the time specified in the notice.

Maximum penalty – 50 penalty units.

- (2) It is an offence under this local law to fail to comply with a crossing upgrade notice given under section 16(1) of *Subordinate Local Law No. 11.1 (Interference with Local Government Roads) 2003* within the time specified in the notice.

Maximum penalty – 50 penalty units.

- (3) It is an offence under this local law to fail to comply with a notice to remove a gate or grid under section 9 (Removal of gate or grid) of *Subordinate Local Law 11.3 (Gates and Grids) 2011* within the time specified in the notice.

Maximum penalty – 100 penalty units.

- (4) It is an offence under this local law to fail to comply with the reporting requirements of section 10 (Compliance with conditions) of *Subordinate Local Law 11.3 (Gates and Grids) 2011*.

Maximum penalty – 50 penalty units.

32 Executive officers must ensure the corporation complies with the local law

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure that the corporation complies with the provision.

Maximum penalty for subsection (2) - the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer to prove—
- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence - the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

33 Liability of third parties

- (1) Any person involved in a contravention of this local law commits an offence.

Maximum penalty for subsection (1) - the penalty for which any person who committed the contravention would be liable.

- (2) For the purposes of section 30(1) of this local law, a person involved in a contravention of this local law is any person who—
- (a) has aided, abetted, counselled or procured the contravention; or
 - (b) has induced, whether by threats or promises or otherwise, the contravention; or
 - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
 - (d) has conspired with others to effect the contravention; or
 - (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

34 Attempts to commit offences

- (1) A person who attempts to commit an offence under this local law commits an offence.

Maximum penalty for subsection (1) - half the maximum penalty for committing the offence.

- (2) The provisions of the *Criminal Code* (relevant to attempts to commit offences) apply to the attempt.

35 Defence

It is a defence to any breach of or non-compliance with a provision contained in this local law if a person has a lawful excuse or defence.

Example—

It is a defence to any breach or non-compliance of any provision contained in a local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the *Criminal Code*.

Part 8 Subordinate local laws

36 Subordinate local laws

The local government may, in a subordinate local law, specify—

- (a) the prescribed criteria which must be complied with pursuant to the Schedule (Dictionary) of this local law; and
- (b) as a local government road a mall, a square, court or other public place under the local government's control pursuant to the Schedule (Dictionary) of this local law; and
- (c) a thing as a vehicle pursuant to the Schedule (Dictionary) of this local law; and
- (d) a thing as a structure pursuant the Schedule (Dictionary) of this local law; and
- (e) a mall, a square, court or other public place as a footpath pursuant to the Schedule (Dictionary) of this local law; and
- (f) those works, infrastructure or activities which are an interference with a local government road pursuant to the Schedule (Dictionary) of this local law; and
- (g) a thing as a waste pursuant to the Schedule (Dictionary) of this local law; and
- (h) an interference with a local government road for which a person is not required to hold a permit pursuant to section 13(5)(a) of this local law; and
- (i) information which is to accompany an application to interfere with a local government road pursuant to section 14(1)(c)(iv) of this local law; and
- (j) the circumstances in which the local government may waive the requirements of section 14 (Application for a permit) of this local law pursuant to section 14(2)(c) of this local law; and
- (k) the term of a permit pursuant to section 16(1)(b) of this local law; and
- (l) the records that must be kept, the place at which those records must be kept and the period for which those records must be kept pursuant to section 17(2)(n) of this local law; and
- (m) the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit to interfere with a local government road pursuant to section 17(3) of this local law; and
- (n) the records that are required to be kept pursuant to section 24(2)(b) of this local law; and

- (o) any inspection, monitoring or management program required to be kept pursuant to section 24(2)(d) of this local law; and
- (p) the terms of a periodic inspection, monitoring or management program in respect of the interference with a local government road pursuant to section 24(4)(b) of this local law; and
- (q) such other matters as are provided for in this local law.

Schedule Dictionary

section 3

animal has the meaning given in the local government's animal management local laws.

approval has the meaning given in *Local Law No. 2 (Administration) 2010*.

authorised person means a person authorised by the local government pursuant to *Local Law No. 2 (Administration) 2010*.

building has the meaning given in the *Building Act 1975*.

camping has the meaning given in *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*.

compliance notice means the written notice given pursuant to section 22 (Compliance notice) of this local law.

corporation means a corporation as defined in the *Corporations Act 2001 (Cth)* and an associated incorporation as defined in the *Associations Incorporation Act 1981*.

Court means the court of law which has jurisdiction to deal with offences under this local law.

device means a design, writing, drawing, depiction, structure, erection, placard, banner, notice, signboard, notice of sign, publication or sign of any kind.

domestic animal means an animal specified in a subordinate local law.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

emergency vehicle means a vehicle driven by a person who is—

- (a) an emergency worker; and
- (b) driving the vehicle in the course of his or her duties as an emergency worker.

emergency worker means—

- (a) an officer of the Queensland Ambulance Service or the ambulance service of another state; or
- (b) an officer of the Queensland Fire and Rescue Service or a fire and rescue service of another state; or

- (c) an officer or employee of another entity with the written permission of the commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a state emergency service of another state; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

executive officer of a corporation means a person who is concerned with, or takes part in, the corporation's management whether or not the person is a director or the person's position is given the name of executive officer.

exhibit includes in relation to a sign the painting, writing, drawing, depiction, making, erection, affixing, putting up, operation or transport of a sign.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995*¹⁵ and includes a mall, a square, court or other public place specified as a footpath in a subordinate local law.

good includes an animal and a vehicle.

interference includes any damage, destruction, tampering, removal, alteration, disturbance or change.

interfere with a local government road means—

- (a) carrying out works on a local government road including—
 - (i) the erection or installation of a structure or building in, on, across or over a local government road; or
 - (ii) the planting of a tree or other vegetation on a local government road; or
 - (iii) interference with vegetation or a garden on a local government road; or
 - (iv) interference with stone, soil, sand, rock, gravel or other materials in a local government road; or
 - (v) any other works specified in a subordinate local law; or
- (b) interference with a local government road including—
 - (i) the structure of a local government road; or

¹⁵ Footpath is defined to mean an area open to the public that is designated for, or has as 1 of its main uses, use by pedestrians (see schedule 4 (Dictionary) of the *Transport Operations (Road Use Management) Act 1995*).

- (ii) the materials of a local government road; or
 - (iii) a structure in, on, across, under or over a local government road; or
 - (iv) a structure associated with a local government road; or
 - (v) road works in respect of a local government road; or
 - (vi) an official traffic sign, road sign or other sign or notice installed, erected or posted by the local government; or
 - (vii) any other infrastructure specified in a subordinate local law; or
- (c) interference with the operation of a local government road including—
- (i) the depasturing or travelling of stock on a local government road; or
 - (ii) the discharge of stormwater or wastes on a local government road; or
 - (iii) the deposition of goods, objects or materials on a local government road; or
 - (iv) the release from a vehicle on a local government road of an object, material, dust, particulates or atmospheric pollutants; or
 - (v) the carrying of an object or material on a local government road which obstructs traffic or a footpath; or
 - (vi) the driving, leading, stopping or wheeling of a vehicle or an animal (other than a domestic animal) on a footpath, nature strip, water-channel or gutter which, in an authorised person's opinion, is likely to give rise to a risk of personal injury or property damage; or
 - (vii) the driving or feeding of an animal (other than a domestic animal) in, on, across, under or over a road which, in an authorised person's opinion, is likely to give rise to a risk of personal injury or property damage; or
 - (viii) leaving open gates or locking gates on a local government road; or
 - (ix) camping on a local government road; or
 - (x) any other activity specified in a subordinate local law.

knowledge includes actual or constructive knowledge.

local government Acts has the meaning given in the *Local Government Act 2009* and includes approvals granted pursuant to local government Acts.

local government area has the meaning given in the *Local Government Act 2009*.

local government road means—

- (a) a road under the *Local Government Act 2009*¹⁶; and
- (b) a mall, a square, court or other public place under the local government's control that is specified in a subordinate local law to be subject to this local law.

local law includes any subordinate local laws and all approvals granted pursuant to this local law.

nuisance has the meaning given in *Local Law No. 10 (Public Health) 1999*.

object includes a vehicle but not a building or structure.

occupier of premises means the person who has the control or management of the premises.

official traffic sign means a sign, marking, light or device placed or erected to regulate, warn or guide traffic that is an official traffic sign under the *Transport Operations (Road Use Management) Act 1995*.¹⁷

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

perform work includes take action to comply with a local government Act.

permit means a permit which has been granted pursuant to section 15 (Grant of a permit) of this local law which—

- (a) has not expired pursuant to section 16(2) (Term of a permit) of this local law; and

¹⁶ Road is defined to mean—

- (a) an area of land dedicated to public use as a road; or
- (b) an area of land that—
 - (i) is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and
 - (ii) is open to, or used by, the public; or
- (c) a footpath or bicycle path; or
- (d) a bridge, culvert, ford, tunnel or viaduct.

However, a road does not include—

- (a) a State-controlled road; or
- (b) a public thoroughfare easement.

¹⁷ The design, methods, standards and procedures for the installation and use of an official traffic sign must conform with the Manual of Uniform Traffic Control Devices issued by Queensland Transport under the *Transport Operations (Road Use Management) Act 1995* or be approved by Queensland Transport (see section 166(1) (Official traffic sign approvals) of the *Transport Operations (Road Use Management) Act 1995*).

- (b) has not been cancelled pursuant to section 20 (Cancellation of a permit) of this local law.

planning scheme has the meaning given in the *Planning Act 2016*.

plant has the meaning given in *Local Law No. 2 (Administration) 2010*.

premises means any land, building or structure and includes any part thereof.

prescribed criteria means the criteria specified in a subordinate local law with which the interference with a local government road must comply.

prescribed fee means the fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

publicise means to draw to the attention of, make known, advertise or promote and **publicises** has the corresponding meaning.

regulated parking area means a regulated parking area for the purposes of *Local Law No. 7 (Parking) 2003*.

road means a local government road and a State-controlled road.

road sign means a device (other than an official traffic sign) that publicises—

- (a) the name of a road in the local government area; or
- (b) other information of use to road users.

road work means work for the construction, maintenance, repair or improvement of a road under this local law.

sign means a device that publicises a matter.

State-controlled road means a State-controlled road under the *Transport Infrastructure Act 1994*.

stop order means the written notice given pursuant to section 23(1) (Stop order) of this local law which has not ceased pursuant to section 23(3) (Stop order) of this local law.

structure has the meaning given in the *Building Act 1975* and includes—

- (a) a structure as defined in the *Local Government Act 2009*; and
- (b) a pipe, scaffolding, door, gate, grid, fence, wall, light, lamp, sign, downpipe, facility, line, cord, pole, stage or equipment; and
- (c) any other thing specified in a subordinate local law.

structure of a local government road includes the pavement, road surface, kerb and channelling, table drains, culverts, drainage pipes, drainage structures, bridges, footpath, verges and official traffic signs.

traffic includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicle, tram, train, animal or other moveable article or thing whatsoever.

undedicated road means a local government road in which the land is not dedicated for public use as a road.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes anything specified as a vehicle in a subordinate local law.

waste has the meaning given in the *Environmental Protection Act 1994* and includes anything specified in a subordinate local law.

works includes activities.

works notice means the written notice given pursuant to section 11 (Works notice) of this local law.

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 27 May 2022.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation |
|-------|---------------|
| amd | = amended |
| ch | = chapter |
| def | = definition |
| div | = division |
| hdg | = heading |
| ins | = inserted |
| om | = omitted |
| p | = page |
| pt | = part |
| renum | = renumbered |
| rep | = repealed |
| s | = section |
| sch | = schedule |
| sdiv | = subdivision |

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law

| Reprint No. | Amendments included | Reprint date |
|--------------------|---|---------------------|
| 1 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2001</i> | 9 March 2001 |
| 2 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2003</i> | 11 July 2003 |
| 3 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2005</i> | 24 June 2005 |
| 4 | <i>Amending Local Law No. 2 (Miscellaneous Local Laws) 2005</i> | 17 March 2006 |
| 5 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2007</i> | 9 November 2007 |
| 6 | <i>Amending Local Law No. 5 (Roads) 2011</i> | 18 November 2011 |
| 7 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2017</i> | 17 March 2017 |
| 8 | <i>Amending Local Law No. 1 (Miscellaneous Local Laws) 2022</i> | 27 May 2022 |

5 List of legislation

Original Local Law

Local Law No. 11 (Roads) 1999
date of gazettal 25 June 1999

Amending Local Laws

Amending Local Law No. 1 (Miscellaneous Local Laws) 2001
date of gazettal 9 March 2001
Amending Local Law No. 1 (Miscellaneous Local Laws) 2003
date of gazettal 11 July 2003
Amending Local Law No. 1 (Miscellaneous Local Laws) 2005
date of gazettal 24 June 2005
Amending Local Law No. 2 (Miscellaneous Local Laws) 2005
date of gazettal 10 February 2006
Amending Local Law No. 1 (Miscellaneous Local Laws) 2007
date of gazettal 9 November 2007
Amending Local Law No. 5 (Roads) 2011
date of gazettal 18 November 2011
Amending Local Law No. 1 (Miscellaneous Local Laws) 2017
date of gazettal 17 March 2017
Amending Local Law No. 1 (Miscellaneous Local Laws) 2022
date of gazettal 27 May 2022

6 List of annotations

PART 1—PRELIMINARY

Short title

| | | |
|-----|-----|--|
| s 1 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 51 |
| | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 27 |
| | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 117 |

Object

| | | |
|-----|---------|--|
| s 2 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(1) |
| | amd hdg | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 208 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | amd hdg | Amending Local Law No. 5 (Roads) 2011 s5(1) |
| | amd | Amending Local Law No. 5 (Roads) 2011 ss 5(2), 5(3) |

amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 34

Definitions—the dictionary

s 3 amd def “**domestic animal**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2)
ins def “**footpath**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 52(1)
om def “**footway**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001s 52(1)
amd def “**interfere with a local government road**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 ss 52(2), 55(1), 55(2)
amd def “**local government road**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2)
amd def “**local law**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(3)
amd def “**official traffic sign**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 52(3)
amd def “**prescribed criteria**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2)
amd def “**structure**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2)
amd def “**structure of a local government road**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(1)
amd def “**traffic**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 52(4)
amd def “**vehicle**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2)
amd def “**waste**” Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2)
amd Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 118
amd hdg Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 209
amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 209

Relationship with other laws

s 4 amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 210

amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231

**PART 2—CONSTRUCTION MAINTENANCE AND
IMPROVEMENT OF ROADS**

pt hdg amd Amending Local Law No. 5 (Roads) 2011 s 6(1)

Construction, maintenance and improvement of roads

s 5 amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2001 s 53

amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 119(1), 119(2), 119(3)

amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 212

amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231

amd Amending Local Law No. 5 (Roads) 2011
s 9(1)

Traffic control during road works

s 6 amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2001 s 54

amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 213

amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231

Closure of local government road

s7 amd Amending Local Law No. 5 (Roads) 2011
ss 10(1), 10(2), 10(3)

Power to name a road

s 8 amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231

amd Amending Local Law No. 5 (Roads) 2011
s 11(1)

Road signs and official traffic signs

s 9 amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231

amd Amending Local Law No. 5 (Roads) 2011
s 12(1)

Numbering of adjoining premises

s10 amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 120(1), 120(2)

amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 214

amd Amending Local Law No. 5 (Roads) 2011
s 13(1)

Power to require adjoining owner to construct, maintain, or repair fence

s11 ins Amending Local Law No. 5 (Roads) 2011
s 15(1), s 15(2)

Works notice

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| s12 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 121 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | renum | Amending Local Law No. 5 (Roads) 2011 s 14 |

PART 4—CONTROL OF LOCAL GOVERNMENT ROADS

Requirement for a permit

| | | |
|-------------|-----------|--|
| s 13 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2) |
| | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 122(1), 122(2), 122(3) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 215 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2007 s 74 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 8, 14, 16(1), 16(2), 16(3), 16(4), 16(5) |
| | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 9 |

Application for a permit

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| s 14 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 14, 17(1), 17(2) |

Grant of a permit

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| s 15 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(1) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 217 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 8, 14, 18(1), 18(2) |
| | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 10 |

Term of a permit

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|-------------|-----|--|
| s 16 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |

renum/amd Amending Local Law No. 5 (Roads) 2011
ss 14, 19

Conditions of a permit

s 17 amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2001 s 55(2)
amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 s 123
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 218
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231
renum Amending Local Law No. 5 (Roads) 2011
s 14

Power to change the conditions of a permit

s 18 amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2001 s 55(1)
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 219
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231
renum/amd Amending Local Law No. 5 (Roads) 2011
s 8, 14

Amendment, renewal or transfer of a permit

s 19 ins Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 s 124(1)
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 220
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231
renum/amd Amending Local Law No. 5 (Roads) 2011
ss 14, 20(1), 20(2), 20(3), 20(4), 20(5), 20(6)

Cancellation of a permit

s 20 amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2001 s 55(1)
renum/amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 124(2), 125(1), 125(2),
125(3)
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 221
amd Amending Local Law No. 2 (Miscellaneous
Local Laws) 2005 s 231
renum Amending Local Law No. 5 (Roads) 2011
s 14

General compliance provision

s 21 renum/amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 124(2), 126(1), 126(2)

| | |
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| amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| renum | Amending Local Law No. 5 (Roads) 2011 s 14 |

PART 5—ENFORCEMENT

Compliance notice

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| s 22 | renum/amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 124(2), 127(1), 127(2), 127(3) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 222 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2007 s 75 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 14, 21(1), 21(2), 21(3), 21(4) |

Stop order

| | | |
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| s 23 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(1) |
| | renum/amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 124(2), 128(1), 128(2), 128(3) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 223 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 14, 22 |

Inspection

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| s 24 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(2) |
| | renum/amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 124(2), 129(1), 129(2), 129(3), 129(4) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 224 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 8, 14, 23(1), 23(2), 23(3), 23(4) |

Performance of work

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| s 25 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 s 55(1) |
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| renum/amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 124(2), 130(1), 130(2), 130(3), 130(4), 130(5) |
| amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 225 |
| amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| hdg/amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2007 s 76 |
| renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 8, 14, 24(1), 24(2), 24(3), 24(4), 24(5), 24(6) |
| amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 35 |

Power of entry and cost recovery

| | | |
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| s 26 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2003 s 28 |
| | renum | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 124(2) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 226 |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 8, 14, 25(1), 25(2), 25(3), 25(4), 25(5), 25(6) |

Property in road structures

| | | |
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| s 27 | renum | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 124(2) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 227 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 8, 14, 26 |

Damage to local government roads

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| s 28 | renum/amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 124(2), 131 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 14, 27 |

PART 6—INTERNAL REVIEW

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| pt hdg | ins | Amending Local Law No. 5 (Roads) 2011 s 30(1) |
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Reviewable decisions

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| s29 | ins | Amending Local Law No. 5 (Roads) 2011 s 30(1) |
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Review of decisions

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| s30 | ins | Amending Local Law No. 5 (Roads) 2011 s 30(1) |
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Other offences

s31 ins Amending Local Law No. 5 (Roads) 2011
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PART 7—ADMINISTRATIVE PROVISIONS

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s 29

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s 32 renum/om Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 124(2), 132
amd Amending Local Law No. 2 (Miscellaneous
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s 33 renum/om Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 124(2), 133(1)
amd Amending Local Law No. 2 (Miscellaneous
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**Executive officers must ensure the corporation complies with the
local law**

s 32 renum/amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 124(2), 133(2), 134
renum Amending Local Law No. 5 (Roads) 2011
s 28

Liability of third parties

s 33 renum/amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 124(2), 133(2), 135(1),
135(2)
renum/amd Amending Local Law No. 5 (Roads) 2011
ss 28, 32

Attempts to commit offences

s 34 renum/amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2005 ss 124(2), 133(2), 136
renum Amending Local Law No. 5 (Roads) 2011
s 28

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s 35 ins Amending Local Law No. 1 (Miscellaneous
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amd Amending Local Law No. 2 (Miscellaneous
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renum Amending Local Law No. 5 (Roads) 2011
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PART 8—SUBORDINATE LOCAL LAWS

pt hdg amd Amending Local Law No. 1 (Miscellaneous
Local Laws) 2001 s 55(4)
amd Amending Local Law No. 5 (Roads) 2011
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Subordinate local laws

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| s 36 | amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2001 ss 55(1), 55(2), 55(5) |
| | renum/amd | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 ss 124(2), 133(2), 137(2), 138(1), 138(2), 138(3), 138(4), 138(5), 138(6), 138(7), 138(8) |
| | amd | Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 229 |
| | renum/amd | Amending Local Law No. 5 (Roads) 2011 ss 28, 33(1), 33(2), 33(3), 33(4), 33(5), 33(6), 33(7), 33(8), 33(9), 33(10) |

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| ins | Amending Local Law No. 1 (Miscellaneous Local Laws) 2005 s 139 |
| amd | def animal Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| amd | def animal Amending Local Law No. 5 (Roads) 2011 s 34(1) |
| amd | def approval Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| amd | def approval Amending Local Law No. 5 (Roads) 2011 s 34(2) |
| amd | def authorised person Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| amd | def building Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| ins | def camping Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 11 |
| amd | def compliance notice Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| amd | def compliance notice Amending Local Law No. 5 (Roads) 2011 s 34(3) |
| amd | def corporation Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| amd | def corporation Amending Local Law No. 5 (Roads) 2011 s 34(4) |
| amd | def environmental harm Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| amd | def environmental nuisance Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230 |
| ins | def emergency vehicle Amending Local Law No. 5 (Roads) 2011 s 34(5) |
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- amd def **footpath** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 ss 8, 230
- amd def **interfere with a local government road** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230
- amd def **interfere with a local government road** Amending Local Law No. 5 (Roads) 2011 s 34(6), 34(7), 34(8), 34(9)
- amd def **interfere with a local government road** Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 11
- amd def **local government Acts** Amending Local Law No. 5 (Roads) 2011 s 34(10)
- amd def **local government area** Amending Local Law No. 5 (Roads) 2011 s 34(11)
- amd def **plant** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230
- amd def **plant** Amending Local Law No. 5 (Roads) 2011 s 34(16)
- amd def **local government road** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 ss 8, 230
- amd def **local government road** Amending Local Law No. 5 (Roads) 2011 s 34(12), 34(13)
- amd def **official traffic sign** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 ss 8, 230
- amd def **perform work** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230
- amd def **perform work** Amending Local Law No. 5 (Roads) 2011 s 34(14)
- amd def **planning scheme** Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 230
- amd def **planning scheme** Amending Local Law No. 5 (Roads) 2011 s 34(15)
- amd def **planning scheme** Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 s 11
- amd def **stop order** Amending Local Law No. 5 (Roads) 2011 s 34(17), 34(18)
- amd def **structure** Amending Local Law No. 5 (Roads) 2011 s 34(19)
- ins def **transferring area A** Amending Local Law No. 5 (Roads) 2011 s 34(20)
- om def **transferring area A** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 36
- ins def **transferring area D** Amending Local Law No. 5 (Roads) 2011 s 34(20)
- om def **transferring area D** Amending Local Law No. 1 (Miscellaneous Local Laws) 2017 s 36
- amd Amending Local Law No. 2 (Miscellaneous Local Laws) 2005 s 231